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July 13, 2020

Taxation and Revenue Department
Tax Information and Policy Office
P.O. Box 630
Santa Fe NM 87504-0630

Dear Secretary Schardin Clarke:

This is a comment for the record concerning proposed rules 18.19.5.7, 18.19.5.12, 18.19.5.14 and 18.19.5.15 NMAC, scheduled for hearing Thursday, July 23, 2020.

A. I have no comments on the substance of the proposals.

B. Editorial comments to improve the flow.

Comments on **18.19.5.7 – DEFINITIONS**

The proposed arrangement of the definitions is at best awkward. If the definitions relating to the Commercial Driver's License Act—except for "resident"—are indeed to be restricted to that act, perhaps they ought to be moved to the 18.19.5.100-series of rules, which deal exclusively with commercial driver's licenses. 18.19.5.4 NMAC would be an appropriate home.

The new definitions all relate to driver's licenses and so could be presented in alphabetical order, like so:

18.19.5.7 DEFINITIONS: As used in rules relating to Chapter 66, Article 5 NMSA 1978:

- A. "driver's license" means...
- B. "identifications card" means ...
- Etc.

"Resident" and "healing arts practitioner" appear to be more general and perhaps belong in 18.19.1.7. If they are used only in provisions relating to Chapter 66, Article 5 NMSA 1978, however, then they could be placed in alphabetical order with the new definitions. Doing this would simplify and make more useful the information that 18.19.5.7 is trying to convey. As an alternative to the suggestion made above, the CDL definitions (also a part of Chapter 66, Article 5) could be alphabetized along with all the others, if it is desired to amend only one rule.

Comments on **18.19.5.12 – REAL ID-COMPLIANT DRIVER’S LICENSES** etc.

B(11) Should the word “with” follow “combined”?

D(2) “dates” should be “dated”, like D(4).

F. Since several of this rule’s subsections have paragraphs, you should identify which one you are referring to, in this case Subsection B. It may help if the sentence started “To establish lawful status, an applicant must present one of the documents listed in Subsection B of this rule: B(1) a valid unexpired US passport; B(2) a valid....”

G. The beginning of the first sentence is a bit abrupt. Try “This process is for persons...” More importantly, the first sentence claims that an exceptions process can be used only to establish identity or age. The second sentence then discusses using the process for establishing US citizenship. To eliminate the seeming contradiction, why not end the first sentence with “...alternate documents to establish identity, age or US citizenship” and eliminate the second sentence?

To improve the flow of the listing of circumstances in third sentence, I suggest “an event that occurred prior to the year official documents are available from the state or territory; natural disasters [~~circumstances~~]; [~~customer provides proof from the issuing agency that documents were destroyed~~] destruction of documents (applicant must provide proof from the issuing agency) or non-issuance of official records.”

G(1), 2nd sentence: Replace “because they were not born” with “because the applicant was not born” and replace “accept their certified” with “accept a certified”.
”

Comments on **18.19.5.14 REAL ID-COMPLIANT DRIVER’S LICENSE** etc.

B(3) Reference to the (NMAC) part is a little grandiose since the only portion of 18.19.5 NMAC that discusses standards (after 18.19.5.16 and 18.19.5.17 are repealed) is 18.19.5.12 NMAC. Replace “part” with “18.19.5.12 NMAC”. It is fairer to the reader.

F(2) Replace “dates” with “dated”.

In 18.19.5.12, 18.19.5.14 and 18.19.5.15, the allowable choices for indication of sex are male, female or gender x. For the non-woke among your readers, what does “gender x” mean? Gender unknown, decline to state or something else?

Thank you for your consideration.

Sincerely,

James P. O’Neill